IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 15198 of 2007(H)

PETITIONER:

SAJI K., AGED 27 YEARS,
S/O.KRISHNANKUTTY, B.P.NAGAR, PEYAD P.O.,
VILAPPIL VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY(HOME), GOVT. SECRETARIAT, TBHIRUVANANTHAPURAM.**

2. **THE SUB INSPECTOR OF POLICE, NEDUMANGADU POLICE STATION, THIRUVANANTHAPURAM.**

3. **THE CIRCLE INSPECTOR OF POLICE, NEDUMANGADU, THIRUVANANTHAPURA DISTRICT.**

4. **THE DEPUTY SUPERINTENDENT OF POLICE, NEDUMANGADU, THIRUVANANTHAPURAM.**

5. **THE DISTRICT SUPERINTENDENT OF POLICE (RURAL), THIRUVANANTHAPURAM.**

6. **THE ASST. EXCISE COMMISSIONER, THIRUVANANTHAPURAM.**

7. **THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.**

8. SUDARSANAN, S/O.AYYAPPAN NAIR,
25/8 SUDARSANA BHAVAN, PATTAMATHUMUZHIYIL,
CHELLAMCODE, NEDUMANGADU,
THIRUVANANTHAPURAM DISTRICT.

9. MADHUSOODANAN, S/O.GOVINDAN,
24/137, ANEESH BHAVAN, CHELLAMCODE,
NEDUMANGADU, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.P.V.KUNHIKRISHNAN --- R9
GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 15198/2007 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE TODDY SHOP LICENSE NO. 129/2007-08/TVPM IN RESPECT OF TODDY SHOP NO. 9/2007-08 BY ASST. EXCISE COMMISSIONER THIRUVANANTHAPURAM DT. 10/5/07.

EXT.P2. COPY OF THE PETITION DT. 13/5/2007 BEFORE THE R2 WITH COPIES OF R3 TO R5.

RESPONDENT'S EXHIBITS **NIL.**

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.15198 of 2007-H

Judgment

Balakrishnan Nair, J.

The petitioner and three others have got Ext.P1 licence to run TS No.9/907-08 at Irinjayam in Nedumangad Excise Range. The people of the locality under the leadership of respondents 8 and 9, are causing obstruction to the running of the shop. Therefore, the petitioner has filed Ext.P2 representation before the 2nd respondent SI of Police and thereafter, this Writ Petition is filed, seeking protection for the running of the shop. The learned counsel for the 9th respondent submitted that the petitioner does not have any licence from the Municipality.

2. If the petitioner has obtained licence from the Municipality for running the shop, he must be conceded the right to run the shop on the basis of Ext.P1 licence granted by the Excise Department. If, so far he has not obtained the licence, he may obtain it within one month from today. If any body is causing obstruction to the ingress and egress of the workmen and customers of the petitioner, he may inform the 2nd respondent. In that event, the said respondent

shall ensure that such obstruction is removed. But, this direction will not affect the rights of the local people to carry out any peaceful demonstrations or other protests against the running of the shop. They can also move the statutory authorities for cancellation of Ext.P1 licence. As long as Ext.P1 remains in force, the Police shall extend the protection as ordered by this Court. After one month, the petitioner's right to run the shop on the strength of this order will depend upon his getting the licence from the Municipality.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

27.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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